

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2013 JAN 15 AM 9:21
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DENISE THORNTON, Individually, and as
Personal Representative of the Estate of
Cierra Randolph
9625 Axehead Court
Baltimore, Maryland 21133,

ADRIAN MILES, as Parent and Next Friend of
A.M., a Minor,
4108 Frankford Avenue
Baltimore, Maryland 21206,

KEITH RANDOLPH, Individually,

Plaintiffs,

v.

MARYLAND GENERAL HOSPITAL,
827 Linden Avenue
Baltimore, Maryland 21201,

and

HAROLD T. ROWSON,
827 Linden Avenue
Baltimore, Maryland, 20201,

Defendants,

MARYLAND GENERAL HOSPITAL,
827 Linden Avenue
Baltimore, Maryland 21201,

Third-Party Plaintiffs,

v.

DANA LEE, M.D.,
1111 Washington Boulevard
Baltimore, Maryland 21230,

WMN 13 CV 0162
Civil No. _____

Third-Party Defendant.

*

NOTICE OF REMOVAL

Defendant Dana Lee, M.D., by the undersigned counsel, respectfully represents:

1. Dr. Lee has been named a third-party defendant in the above-captioned civil action now pending in the Circuit Court of Maryland for Baltimore City, Case No. 24-C-11-2611. The cross-claim against Dr. Lee was filed in State Court on or about January 9, 2013. An amended cross-complaint was filed on January 11, 2013. Copies of all process, pleadings, and orders received by Dr. Lee in such action are attached hereto at Exhibit 1. Independently, after receiving notice of this action, undersigned counsel retrieved from the State Court copies of the relevant documents in the State Court file. Those documents, including the original complaint, are attached at Exhibit 2.
2. The original complaint filed by the Plaintiffs concerns allegations of medical malpractice against, inter alia, the health care providers employed by Defendant Maryland General Hospital ("MGH") for the care and treatment rendered to Cierra Randolph at Maryland General on November 4-5, 2010. Plaintiffs dropped their claims against Dr. Lee. However, on January 9, 2013, MGH filed a cross-claim against Dr. Lee, asserting that it is entitled to indemnity and/or contribution from Dr. Lee should the Plaintiffs prevail on any of their claims against MGH. As set forth in the third-party complaint, for all times relevant to the complaint, Dr. Lee was deemed to be a federal employee and was certified as acting within the scope of his federal employment pursuant to 28 U.S.C. § 2679. As such, jurisdiction is vested in the United States District Court because an employee of the United States has been named a third-party defendant.

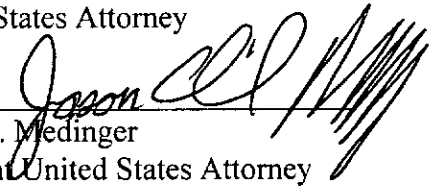
3. As such, this case is removed pursuant to 28 U.S.C. § 1442 because it is a case against, or directed to, an officer of the United States.

4. WHEREFORE, this action now pending in the Circuit Court of Maryland for Baltimore City is properly removed to this Court.

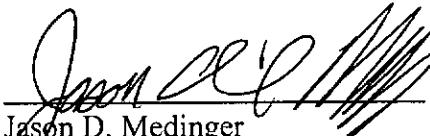
Respectfully submitted,

Rod J. Rosenstein
United States Attorney

By:

/s/ 
Jason D. Medinger
Assistant United States Attorney
Federal Bar No. 28470
36 S. Charles Street, 4th Floor
Baltimore, Maryland 21201
Phone: 410-209-4800
Jason.Medinger@usdoj.gov

This Notice of Removal has been signed pursuant to Rule 11, Federal Rules of Civil Procedure.



Jason D. Medinger
Assistant United States Attorney

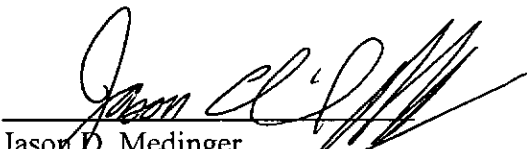
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January ^{15th} ~~14~~, 2013 a copy of the foregoing Notice of Removal was sent, first class, postage prepaid to:

Paul D'Amore, Esq.
The Cochran Firm
1100 New York Avenue, N.W.
Suite 340, West Tower
Washington, DC 20005
Counsel for Plaintiffs

Michael E. Blumenfeld, Esq.
Miles & Stockbridge P.C.
10 Light Street
Baltimore, MD 21202
Counsel for Maryland General Hospital

Robert H. Bouse, Jr., Esq.
Anderson, Coe, and King LLP
7 Saint Paul Street, Suite 1600
Baltimore, Maryland 21202
Counsel for Dr. Rowson



Jason D. Medinger
Assistant United States Attorney